

Act No. 157 (H.483). Commerce and trade

An act relating to adopting revisions to Article 9 of the Uniform Commercial Code

This act adopts the 2010 amendments to Article 9 of the Uniform Commercial Code (UCC), which governs secured transactions in personal property. Article 9 was substantially revised in 1998 and adopted in all 50 states. The 2010 amendments to Article 9 modify the existing statute to respond to filing issues and address other matters that have arisen in practice following a decade of experience with the 1998 version.

Most importantly, the 2010 amendments give greater guidance regarding the name of a debtor to be provided on a financing statement. For business entities and other registered organizations, the amendments clarify that the proper name for perfection purposes is the name filed with the State and provided on the organization's charter or other constitutive documents, to the extent there is a conflict with the name on an entity database.

With regard to the name of an individual debtor, this act adopts "Alternative A," known as the "only-if" rule, which requires a filer to provide on the financing statement the name on the debtor's driver's license, if the license has not on its face expired. If the debtor does not have a driver's license, the filer must use either the individual name of the debtor (i.e., whatever the debtor's name is under current law) or the debtor's surname and first personal name.

Effective Date: July 1, 2014